

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Case No. 19-00029-CIV-COTE

9197-5904 QUEBEC, INC.

Plaintiff

v.

NLG, LLC,

Defendant.

REPLY AFFIRMATION OF JUAN RAMIREZ JR. TO DECLARATION OF JOSEPH H. NIERMAN, ESQ. IN OPPOSITION TO JUAN RAMIREZ'S MOTION FOR ADMISSION PRO HAC VICE

COMES NOW Juan Ramirez, Jr. ("Movant") and files this Response to Declaration of Joseph H. Nierman, Esq. in opposition to my Motion for Admission Pro Hac Vice [D.E. 9] and states:

1. Mr. Nierman's opposition is yet another example of the tactics used to delay any decision on the merits of the motion to vacate in state court that has been pending for almost five years. This whole proceeding is frivolous because it was filed three years too late, as set out in the Motion to Remand. [*See* D.E. 6].

2. The fact that NLG is also represented in this proceeding by a local New York attorney does not prohibit another attorney from acting as co-counsel.

3. There is no conflict. Movant has been representing NLG for years and is owed attorney's fees by NLG. If being owed a fee creates a conflict of interest, most lawyers would also be conflicted with their clients.

4. Movant is not "purporting" to be a retired state intermediate appellate court judge

is Florida. He was a trial judge for 12 years and an appellate judge for 12 years. He served as Chief Judge of the Third District Court of Appeal. He was nominated by the Judicial Nominating Commission for U.S. District Judge for the Southern District of Florida and was interviewed at the West Wing of the White House during President George W. Bush's tenure. He is the author of a three-volume treatise of Florida Civil Procedure and a three-volume treatise on Florida Evidence. He served as an adjunct professor at the four local law schools: the University of Miami, Florida International University, St. Thomas Law School and Nova Southeastern. The Third District still maintains movant's biography at <http://3dca.flcourts.org/Judges/25-Ramirez.shtml>

5. The bar complaint referred to by Mr. Nierman was filed by Elizabeth Hazan. Movant obtained a foreclosure judgment of almost \$5 million and the day before the foreclosure sale, she filed for bankruptcy. That filing has been viciously litigated, resulting in six appeals of the bankruptcy judge's orders. Ms. Hazan's bar complaint is directly related to the litigation in state court regarding the foreclosure and the litigation in the bankruptcy court.

6. In the bankruptcy proceeding, Ms. Hazan has filed five motions for contempt. Everything has been denied except in connection with the filing of a cross-claim in the foreclosure of the first mortgage where NLG holds a second mortgage [*See* Order under D.E. 9-1]. The bankruptcy court granted relief from the automatic stay to both the first mortgagee and to NLG to prosecute the foreclosure in state court. The cross-claim was filed in reliance on that order, which has never been rescinded or modified. The cross-claim was immediately withdrawn. Finally, the Order is not final as there is a pending Motion for Relief scheduled for hearing on February 7, 2019.

7. This Court can read the Order attached as D.E. 9-1 and determine if it negates 42

years as a member in good standing with the Florida Bar, who has never been disciplined or been reprimanded either as an attorney or as a judge. The Order denied most of the relief being requested by Hazan, including an injunction to prevent NLG or Movant from continuing the prosecution of their motions to vacate a void judgment by confession obtained without service of process or notice to NLG, based on an affidavit executed by the President of 9197-5904 Quebec, Inc. purporting to act for the defendant NLG for \$5 million based on alleged fraud and abuse of process where the statute only allows such an affidavit to collect on a debt, not on a tort.

Dated: January 18, 2019

Respectfully submitted,

/S/ JUAN RAMIREZ, JR.

Juan Ramirez, Jr.
ADR Miami LLC
Florida Bar No. 201952
1172 S. Dixie Hwy. #341
Coral Gables, FL 33146
(305) 667-6609
jr@adrmiami.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of foregoing was served via CM/ECF to the parties on the attached service list as indicated on this 18th day of January, 2019.

/S/ JUAN RAMIREZ, JR.

Juan Ramirez, Jr.

SERVICE LIST

Via Email

Joseph H. Nierman, Esq. on behalf of Selective Advisors Group, LLC
j_nierman@yahoo.com

James Costo, Co-counsel for NLG, LLC
costolaw@gmail.com